

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

2.726 ACRES OF LAND, MORE OR LESS,  
SITUATE IN HIDALGO COUNTY, STATE  
OF TEXAS, AGUINALDO VILLARREAL,  
*et al.,*  
*Defendants.*

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CIVIL ACTION NO. 7:20-cv-00091

**JOINT STIPULATION AND MOTION FOR ORDER ESTABLISHING JUST  
COMPENSATION, GRANTING POSSESSION, DISBURSING FUNDS ON DEPOSIT IN  
THE REGISTRY OF THE COURT, AND CLOSING CASE**

1. On March 30, 2020, the United States filed a Complaint in Condemnation (Dkt. No. 1) and Declaration of Taking (Dkt. No. 2) to acquire a fee simple interest in real property identified as Tracts RGV-MCS-2101 and RGV-MCS-2101-1 (hereafter “Subject Property”) for purposes of the border fence infrastructure project.<sup>1</sup> On April 6, 2020, the United States deposited \$21,500.00 into the Registry of the Court as estimated just compensation for the acquisition of the Subject Property. Accordingly, on April 6, 2020—the date of taking—title in the Subject Property vested in the United States, as did the right to just compensation in Defendants AGUINALDO VILLARREAL and AMALIA C. VILLARREAL.

2. **Proof of Ownership:** Defendants AGUINALDO VILLARREAL and AMALIA C. VILLARREAL claim that on the date of taking, they were sole owners of the Subject Property that is the subject of this stipulation and motion. The United States concurs in their claim of ownership. Because AGUINALDO VILLARREAL and AMALIA C. VILLARREAL were the sole owners of the parent parcel of the Subject Property on date of taking—April 6, 2020—both

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<sup>1</sup> Schedules “C”, “D”, and “E”, Dkt Nos. 1-1 at 6-10, 12-17, 19; 2-1 at 6-10, 12-17, 19.

are entitled to just compensation for same by virtue of the following: In June 2019, nine record owners conveyed the parent parcel of the Subject Property to AGUINALDO VILLARREAL and AMALIA C. VILLARREAL through Gift Deed.<sup>2</sup> The United States also initially identified two other individuals as potentially having an interest in the Subject Property in its Schedule “G” of the Complaint in Condemnation (Dkt. No. 1) and Declaration of Taking (Dkt. No. 2)—to wit: San Juanita Hernandez and Maria Magdalena Cantu.<sup>3</sup> However, the Court subsequently dismissed these nine individuals on motion from the parties with supporting evidence showing that they had been unnecessarily or improperly joined because San Juanita Hernandez and Maria Magdalena Cantu had no interest in the Subject Property on the date of taking.<sup>4</sup>

3. The United States and the undersigned AGUINALDO VILLARREAL and AMALIA C. VILLARREAL now make this joint stipulation and motion for entry of an Order: (a) establishing twenty one thousand five hundred and 00/100 dollars (\$21,500.00) as the total just compensation for the fee interest, described in Schedule “E” of the Complaint in Condemnation (Dkt. No. 1) and Declaration of Taking (Dkt. No. 2), in Tracts RGV-MCS-2101 and RGV-MCS-2101-1; (b) granting the United States immediate possession of Tracts RGV-MCS-2101 and RGV-MCS-2101-1; (c) disbursing the stipulated amount of just compensation, as directed below, from the funds on deposit in the Registry of the Court; and (d) closing this case on the Court’s docket. As grounds for this motion, the parties jointly state the following:

- a. The United States and AGUINALDO VILLARREAL and AMALIA C. VILLARREAL confirm and agree that the full and just compensation payable by the United States for the

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<sup>2</sup> Dkt. No. 14-1 (Gift Deed, Document #2019-3023908, Official Records of Hidalgo Cnty., TX).

<sup>3</sup> Dkt. No. 1-1 at 23; Dkt. No. 2-1 at 23.

<sup>4</sup> Dkt. No. 14 (“United States of America’s Unopposed Motion to Dismiss San Juanita Hernandez and Maria Magdalena Cantu as Unnecessarily or Improperly Joined Party Defendants”); Dkt No. 15 (“Order Granting Unopposed Motion to Dismiss Two Defendants Only”).

taking of Tracts RGV-MCS-2101 and RGV-MCS-2101-1 shall be the sum of twenty one thousand five hundred and 00/100 dollars (\$21,500.00) plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the undersigned AGUINALDO VILLARREAL and AMALIA C. VILLARREAL against the United States for the institution and prosecution of the above-captioned action.

- b. The parties respectfully request judgement be entered against the United States in the amount of twenty one thousand five hundred and 00/100 dollars (\$21,500.00) plus any accrued interest for the taking of Tracts RGV-MCS-2101 and RGV-MCS-2101-1.
- c. On April 6, 2020, the United States deposited a check in the amount of twenty one thousand five hundred and 00/100 dollars (\$21,500.00) into the Registry of the Court.<sup>5</sup> The United States, AGUINALDO VILLARREAL and AMALIA C. VILLARREAL agree that upon said deposit, title to Tracts RGV-MCS-2101 and RGV-MCS-2101-1 vested in the United States by operation of law.
- d. The United States shall be entitled to immediate possession of Tracts RGV-MCS-2101 and RGV-MCS-2101-1, and all persons in possession or control of the interests taken in this property should be ordered by the Court to surrender possession of same to the United States, to the extent of the estate being condemned<sup>6</sup>:

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

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<sup>5</sup> Dkt. No. 5 at 1.

<sup>6</sup> Dkt. No. 2-1 at 19, Schedule "E."

e. There are outstanding delinquent *ad valorem* taxes or assessments owing as to Tracts RGV-MCS-2101 and RGV-MCS-2101-1 under the following (2) accounts<sup>7</sup>:

- i. Account Number: **L6050-00-000-0103-00** in the amount of **\$6,525.43** (as of May 2020) owed to Defendant Pablo “Paul” Villarreal, Jr., Hidalgo County Tax Assessor-Collector; and Claimants, Hidalgo County, Texas, Hidalgo County Drainage District No. 1, South Texas Independent School District, and South Texas College, for the period of 1991 to the date of taking: April 6, 2020.
- ii. Account Number: **L6050-00-000-0103-10** in the amount of **\$5,650.28** (as of May 2020) owed to Defendant Pablo “Paul” Villarreal, Jr., Hidalgo County Tax Assessor-Collector; and Claimants, Hidalgo County, Texas, Hidalgo County Drainage District No. 1, South Texas Independent School District, and South Texas College, for the period of 1991 to the date of taking: April 6, 2020.

The Taxing Authorities commenced a tax suit (T0077-12G) to recover *ad valorem* taxes for Account Numbers: **L6050-00-000-0103-00** and **L6050-00-000-0103-10**. The following charges are owing under said tax suit:

- i. Court Costs: **\$300.00**
- ii. Abstract Fees: **\$250.00**

The total sum of twenty one thousand five hundred and 00/100 dollars (\$21, 500.00), with accrued interest, shall be subject to all taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable to and deductible from this amount.

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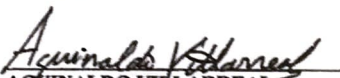
<sup>7</sup> See Dkt. No. 12, “Verified Claims” of Defendant Pablo “Paul” Villarreal, Jr., Hidalgo County Tax Assessor-Collector; and Claimants, Hidalgo County, Texas, Hidalgo County Drainage District No. 1, South Texas Independent School District, and South Texas College (collectively, hereafter “Taxing Authorities”). The parties note that a third account is associated with Tracts RGV-MCS-2101 and RGV-MCS-2101-1 (Account Number: L6050-00-000-010-22), which the Taxing Authorities have confirmed that said third account is current as of the date of taking.

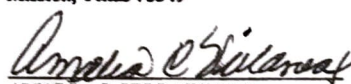
- f. The stipulated just compensation remains on deposit in the Court's Registry. The Clerk of Court shall now, without further order of the Court, disburse the total sum of **twenty one five hundred and 00/100 dollars (\$21,500.00), along with any accrued interest earned thereon while on deposit**, payable to the order of
- i. **\$12,175.71** to Pablo (Paul) Villarreal Jr., PCC;
  - ii. **\$300.00** to Hidalgo County District Clerk's Office;
  - iii. **\$250.00** to Linebarger Goggan Blair & Sampson, LLP; and
  - iv. **\$8,774.29** with accrued interest, to AGUINALDO VILLARREAL and AMALIA C. VILLARREAL.
- g. Defendants AGUINALDO VILLARREAL and AMALIA C. VILLARREAL warrant they were the owners of the Subject Property taken in this proceeding on the date of taking; (b) they have the exclusive right to the compensation, herein; excepting the interests of parties having liens, leases, encumbrances of record, and unpaid taxes and assessments, if any; and (c) that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- h. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, AGUINALDO VILLARREAL and AMALIA C. VILLARREAL shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by AGUINALDO VILLARREAL and AMALIA C. VILLARREAL, to the date of repayment into the Registry of the Court.

- i. AGUINALDO VILLARREAL and AMALIA C. VILLARREAL shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
- j. There being no outstanding taxes or assessments due or owing, AGUINALDO VILLARREAL and AMALIA C. VILLARREAL are responsible for the payment of any additional taxes or assessments which he otherwise owes on the interest in the property taken in this proceeding on the date of taking.
- k. AGUINALDO VILLARREAL and AMALIA C. VILLARREAL shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
- l. AGUINALDO VILLARREAL and AMALIA C. VILLARREAL shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the property taken in this proceeding on the date of taking.
- m. This joint stipulation and motion is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.
- n. The parties request that the Court enter an order closing this case on the Court's docket.

**AGREED AS TO FORM AND SUBSTANCE:**

**FOR DEFENDANTS:**


  
**AGUINALDO VILLARREAL**  
5504 Dallas Circle  
Mission, Texas 78549

  
**AMALIA C. VILLARREAL**  
5504 Dallas Circle  
Mission, Texas 78549

  
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School District, and South Texas College

**FOR PLAINTIFF:**

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Southern District of Texas

By:   
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United States of America

**CERTIFICATE OF SERVICE**

The undersigned certifies that he served a true and correct copy of the foregoing Joint Stipulation and Motion for Order Establishing Just Compensation, Granting Possession, Disbursing Funds on Deposit in the Registry of the Court, and Closing Case on all parties in this case via CM/ECF email notification and regular mail on June 10-11, 2020.

By: s/Baltazar Salazar  
**Baltazar Salazar**  
Assistant United States Attorney